

Application No.: 10/055,344

REMARKSStatus of the claims

Claims 1 and 3-10 are pending and ready for further action on the merits. Reconsideration is respectfully requested in light of the following remarks.

Examiner Interview

In a telephonic interview held on November 16, 2004 with the Examiner, the Examiner acknowledged that the filing date of Lee '873 (US Patent Application Publication 2002/0114873) is February 2001 and not February 2000. The Examiner indicated that an Interview Summary would be sent as a follow-up to this interview, however, an Interview Summary was never sent. Thus, Applicants respectfully request an Interview Summary confirming this interview.

Rejections under 35 USC §103

Claims 1 and 3-10 are rejected under 35 USC §103(a) as being unpatentable over Lee '873 (US Patent Application Publication 2002/0114873).

Application No.: 10/055,344

Applicants traverse.

Applicants respectfully submit that Lee '873 is not available as prior art to the instant invention. The instant invention has a filing date of January 25, 2002 and claims priority to KR 2001-26424 with a filing date of May 15, 2001. Applicants in the response of June 10, 2004 submitted a 37 CFR §1.131 declaration attesting that the instant invention was conceived of and reduced to practice prior to the filing date of Lee '873. For this reason, Applicants submit that Lee '873 is not available as prior art.

Moreover, Applicants respectfully point out that Lee '873 was not filed in February of 2000 as asserted by the Examiner in the outstanding Office Action of September 20, 2004 (see page 2, bottom paragraph) but was rather filed in February of 2001. Please see the front page of Lee '873. Thus, the instant invention predates the filing date of Lee '873. In other words, Lee '873 is not available as prior art.

Applicants respectfully direct the Examiner's attention to the 37 CFR §1.131 declaration that was filed with the response of June 10, 2004, which showed that the instant invention was conceived of and reduced to practice prior to the effective date

Application No.: 10/055,344

of Lee '873. Applicants, in the response of June 10, 2004 also attached a document showing Applicants' order letter for the priority document Korea 2001-26424. Please note that Korea is a WTO (World Trade Organization) member and was a member when section 531 of Public Law 103-465 of the Uruguay Round Agreements Act went into effect (i.e., January 1, 1996). Thus, the instant invention meets the requirements so that a declaration can be filed under 37 CFR §1.131(a). Moreover, because neither of the two conditions from 37 CFR §1.131(a) for exceptions is satisfied, Lee '873 is not available as prior art and cannot render obvious the instant invention. The rejection is inapposite. Withdrawal of the rejection is warranted and respectfully requested.

With the above remarks and amendments, Applicants believe that the claims, as they now stand, define patentable subject matter such that passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No.: 10/055,344

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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